

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>In Re:</b> <b>DOMINION PAVING &amp; SEALING, INC.</b>  <b>Debtor.</b>	) ) ) ) )	<b>Case No. 15-32966-KLP Chapter 7</b>
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**MOTION TO APPROVE SALE OF PERSONAL  
PROPERTY AND TO COMPENSATE AUCTIONEER**

Harry Shaia, Jr., Trustee for the Bankruptcy Estate of Dominion Paving & Sealing, Inc. (the “Debtor”), by counsel, moves for authority to sell personal property of the estate pursuant to 11 U.S.C. § 363 and Rule 6004 of the Federal Rules of Bankruptcy Procedure, and in support of his motion states as follows:

**PARTIES**

1. On June 10, 2015, the Debtor filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in this Court.
2. On May 22, 2017, counsel for the Debtor filed a Motion to Convert the Case to a voluntary Chapter 7 case. An Order approving conversion to Chapter 7 was entered July 19, 2017.
3. Harry Shaia, Jr., was appointed Interim Trustee and continues to serve as Trustee in this case (the “Trustee”).

**JURISDICTION AND VENUE**

4. This proceeding is a core proceeding pursuant to 28 U.S.C. § 157.

5. This Court has subject matter jurisdiction and personal jurisdiction over all parties in interest pursuant to 28 U.S.C. § 1334.

### **FACTS**

6. The Debtor has an ownership interest in certain personal property as follows (collectively, the “Property”): File Boxes, Security System, Phone System, Company Computers, Power Washer, Router, Computer Switch, Power Backup, Neat Scanner, Printer, 4 Laptops, Main Server, and other miscellaneous items.

7. The Debtor’s interest in the Property constitutes property of the estate pursuant to 11 U.S.C. § 541.

### **MOTION FOR AUTHORITY TO SELL**

8. The Trustee seeks authority to conclude a sale of the Property, as is, pursuant to 11 U.S.C. § 363.

9. The sale is in the best interest of the bankruptcy estate since it will result in a distribution of assets to creditors which otherwise would not be available.

### **MARKETING AND SALE OF PROPERTY**

10. On November 28, 2017, the Court entered an Order authorizing the Trustee to hire At Your Bidding, Inc. (the “Auctioneer”) to inspect and auction the Property.

11. Upon the advice of the Auctioneer, and in exercising his business judgment, the Trustee concluded that the Property should be sold at auction in order to obtain the highest and best sale price.

12. The Auctioneer has marketed the Property and the Trustee has received an offer of Eight Hundred Dollars and no Cents (\$800.00) for the estate’s interest in the Property from Stephen Chiellini of Randleman, N.C., and seeks authority to complete the sales. A summary of

the prospective purchaser and proposed purchase price for the equipment is attached as an exhibit to this motion.

**WHEREFORE**, the Trustee respectfully requests that the Court enter an order approving a sale of the bankruptcy estate's interest in the Property for Eight Hundred Dollars and no cents (\$800.00) pursuant to the terms above and as detailed in the attached Exhibit, to execute such documents as are necessary to consummate the sale and to pay the Auctioneer's ten percent (10%) commission from the proceeds.

HARRY SHAIA, JR., TRUSTEE  
FOR THE BANKRUPTCY ESTATE OF  
DOMINION PAVING & SEALING, INC.

By: /s/ W. Scott Dillard II

W. Scott Dillard II (VSB No. 80300)  
Spinella, Owings & Shaia, P.C.  
8550 Mayland Drive  
Richmond, Virginia 23294  
(804) 747-0920  
*Counsel for Chapter 7 Trustee*

**Certificate**

I hereby certify that a true and correct copy of the foregoing was mailed, postage pre-paid, or delivered electronically via ECF to the parties in interest listed below on this 28<sup>th</sup> day of November, 2017.

/s/ W. Scott Dillard II

Robert B. Van Arsdale, Esq., AUST  
Office of the United States Trustee  
701 E. Broad Street, Suite 4304  
Richmond, VA 23219-1885

Christopher L. Perkins, Esq.  
LeClair Ryan  
P. O. Box 2499  
Richmond, VA 23218-2499  
*Attorney for the Debtor*

EXHIBIT



**At Your Bidding**

**PURCHASE**  
**AGREEMENT**

2614 W. Cary St.  
Richmond, VA 23220  
Office: 804-262-3777  
Fax: 804-262-4443



Customer Information	
Name:	Stephen Chiellini
Address:	6243 Davis Mill Road
	Randleman NC 27317

Item Information:

Qty	Product Description	Price
	Complete list of contents as follows: File Boxes, Security System, Phone System, Company Computers, Power Washer, Router, Computer Switch, Power Backup, Neat Scanner, Printer, 4 Laptops, Main Server, etc.	\$800.00
	TOTAL	\$800.00
	All Sales Final - Items Sold As-Is, Where-Is.	